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CANAL TREATY SOON

Most Troublesome Questions
Have Been Settled.

TO VERIFY FIGURES

ANNUAL PAYMENT TO COLOMBIA
YET TO BE DETERMINED.

The Prospective Ownership of the
Panama Railroad Must
Be Estimated.

The Panama canal project received another impetus this morning after a long period of stagnation, and the friends of that canal now assert that the negotiations can be concluded within the present month. Mr. Herran, the Colombian charge here, and Mr. Cromwell, counsel for the Panama Canal Company, called at the State Department today by arrangement, separately, though in pursuit of a common purpose. Naturally in the incomplete state of the negotiations the State Department officials are unwilling to discuss details for publication. Mr. Cromwell, however, was willing to be quoted to the effect that now, in the judgment of the canal company officials, the negotiations are progressing very satisfactorily and promise to result in a speedy settlement and the signature of a treaty.

Annual Collections by Colombia.

All questions of principle have been mutually agreed upon. The issue of sovereignty over the canal strip, of legal jurisdiction and of length of franchise have been adjusted. The satisfaction of both parties, the United States and Colombia, and that remains to be settled is the amount of the annual collections made by Colombia under existing conditions on account of isthmian traffic, of which she would be deprived under a treaty, and for which she is to be reimbursed by the United States. According to the Colombian statement these collections amount annually to \$250,000 made up of an annual payment of \$250,000 from the Panama Railroad Company, a perfectly sound asset in view of the business of the railroad, and \$400,000 annually on account of light house dues, port charges, wharfage, mooring fees and several other smaller items.

In addition Colombia would become the owner of the Panama railroad at the expiration of sixty years from this date, the property being valued at somewhere between \$10,000,000 and \$15,000,000. Colombia would not lose all of the port charges referred to if she signed a treaty with the United States, for although the latter would make the two terminal ports free as to tariff charges on through freight, Colombia would still collect port dues on local shipping not using the canal.

To Verify Figures.

Now, the United States government does not intend that Colombia shall actually be an annual loser on account of the construction of the canal, and it will be willing to turn over to the government of Colombia a sum corresponding to the amounts which are now received from these port charges according to be lost to Colombia. As the United States government might fix the canal tolls at a sum sufficient to include port charges of Colombia, the amount, the canal representatives hold that it would not thereby impose any burden on the United States treasury. Therefore, when the figures are verified, the basis of the annual installment to be paid by the United States is ascertained, and the form of the treaty will be disposed of before the treaty is completed and ready for the action of the United States Congress.

DISCRIMINATION IN RATES.

Charged by Missouri Live Stock Shipper Against C. B. and Q.

Gilbert Barr of Kearney, Neb., has filed a complaint with the Interstate Commerce Commission against the Chicago, Burlington and Quincy railroad, alleging the exaction of an unreasonable and unjust tariff on live stock.

The complainant, who is a live stock shipper, says that since October 4 the railroad has compelled him to pay for transportation of live stock in carload lots from Kearney to Chicago 25¢ cents per 100 pounds, although a reasonable charge is 12 cents per 100 pounds.

According to the complaint, the defendant, by compelling complainant to pay the higher rate, while exacting from other shippers for a like service the lower rate, is subjecting the complainant and the local country from which he makes the haul to undue and unreasonable prejudice and disadvantage, and is violating the interstate commerce law. An investigation and a reparation of the charges alleged to have been unlawfully collected are asked.

Five-Masted Schooner Ashore.

COTTAGE CITY, Mass., January 3.—The five-masted schooner Van Allenborough of Camden, Me., went ashore here early today. The vessel lies broadside on the beach and a rough sea is running.

Spanish Minister for Gold Basis.

MADRID, January 3.—Finance Minister Villaverde is preparing for presentation to the chamber a financial scheme providing for the free coinage of gold and the absolute prohibition of the coinage of silver. The budget surplus will be employed in the improvement of the monetary circulation.

Fire at Shamokin, Pa.

SHAMOKIN, Pa., January 3.—A fire of unknown origin broke out today in the Grand Union tile store. The building and stock of this company, as well as that of Joseph Richards, were entirely destroyed. Loss, \$25,000; partially insured.

Hindoo Savant on a Tour.

SAN FRANCISCO, January 3.—Swami Trigunatita, a distinguished Hindoo savant, has arrived here direct from the Ravana Krishna monastery, in Calcutta, India, to make a pilgrimage to the city and to deliver lectures on the Hindoo religion. He will occupy from three to five years' time.

King George of Saxony Falling.

DRESDEN, Saxony, January 3.—King George is evidently growing weaker. His pulse is extremely irregular and occasionally is imperceptible. The attending physicians are stimulating his majesty with quinine. The king's heart action is feeble and his temperature vacillates five and a half degrees in half a day, falling to 92°.

DOUBTS AS TO ITS VALUE

Chairman Jenkins on the
Hoar Anti-Trust Bill.

BASED ON OLD LINES

ALLEGED INVASION OF CONSTITUTIONAL RIGHTS.

Says That the Corporations Have
Nothing to Fear From It and the
People Nothing to Gain.

Representative John J. Jenkins, chairman of the House committee on the judiciary, was seen by a Star reporter today when he expressed his opinion of the bill for the regulation of trusts framed by Senator Hoar. Mr. Jenkins said the trusts have nothing to fear and the people nothing to gain by the new anti-trust measure.

"It is practically on the lines of bills heretofore introduced," said Representative Jenkins. "Its scope and effect are the same, and the main difference is in phraseology. What I say with reference to the bill has no application to those bills relating to foreign commerce, as, in my judgment, the power of Congress is much more limited in interstate than in foreign commerce. The trusts have nothing to fear from it, and the people nothing to hope for, in case it is written into the statutes of this country."

Congress Powerless.

"For many years I have decided views on this question and have been very clear that Congress could do nothing constitutional which would be beneficial or practical. We must have a constitutional amendment giving Congress control of commerce in the states as well as over commerce between the states, and placing all of the agencies and instruments of commerce under federal control. In a radical and apparently vindictive manner we are asked to undo in this bill what this government was organized to do, and what our people have been doing in a lawful manner for over a hundred years. If this is all that can be suggested after months of study by such an able and distinguished gentleman, I am content with my judgment."

Chief Constitutional Objection.

The principal constitutional objections are that it is a clear exercise of the police power of the government, never conferred upon Congress, but expressly reserved to the states. In other words, it assumes to exercise powers enjoyed only by the states. It operates as a restraint upon commerce, something beyond the power of Congress to do, as Congress has no power to regulate commerce between the states, and not restrict it; it interferes with the liberty of contract guaranteed to the citizen by both state and federal constitutions; it deprives the citizen of property without any compensation; it is an attempt to legislate in the interest of one class against another; it exempts a class of persons and corporations engaged in interstate commerce, which the Supreme Court of the United States has no power to do—that is, to create exemptions.

Two Features of the Bill.

"There are only two prominent features in the bill. One is commonly called the publicity feature and the other seeks to prevent discrimination in sales. As far as the publicity branch of it is concerned, it is only aimed at those corporations engaged in business where there is no doubt liability to stockholders. This is a question of no interest to the people at large, and only affects creditors of the corporation when the corporation is insolvent. The publicity branch of the bill is of no value or service to the people demanding remedial legislation. If this provision should be held by the Supreme Court to be unconstitutional, it could be evaded by the states imposing a double liability on all stockholders—and to this I have no objection. The publicity branch of the bill is of no value or service to the people demanding remedial legislation. If this provision should be held by the Supreme Court to be unconstitutional, it could be evaded by the states imposing a double liability on all stockholders—and to this I have no objection. The publicity branch of the bill is of no value or service to the people demanding remedial legislation. If this provision should be held by the Supreme Court to be unconstitutional, it could be evaded by the states imposing a double liability on all stockholders—and to this I have no objection."

Power of Congress.

"To a more perfect understanding of the question, we must keep in mind that the power of Congress is limited to interstate commerce. That is, the states have supreme control over the manufactured product, even though expressly manufactured for the purpose of interstate commerce, and under the law the power of Congress cannot be exercised until the subjects or articles of commerce are started on their journey to another state, and then the power of Congress is absolute until the product reaches its destination, and as soon as placed for business purposes, as other property in the state is placed for business purposes, the state power ceases as soon as the property reaches its destination."

Attorney General's Authority.

"I am therefore at a loss to know how Congress can interfere with manufacture or sale, and I am at a loss to know how the Attorney General can be authorized by Congress to go either to the monopoly of manufacture or the monopoly of sale and ascertain what contracts have been entered into for manufacture and sale, both elements being in the power of the state, absolutely beyond the power of Congress."

The Sugar Trust Case.

"The Supreme Court of the United States has passed most fully on the monopoly of manufacture in the sugar trust case, holding that that great monopoly in manufacture is wholly within the control of the state of New Jersey and beyond the reach of the powers of Congress. The same principle applies at the end of transit. In other words, before and after the transit the subjects of interstate commerce are beyond the power of Congress. But the limitation on the sale is with reference to the power of the state. The power of Congress is absolutely beyond the power of Congress."

Dangerous Legislation.

"Here is an interference with the liberty of contract, when the Constitution most strongly condemns. If a man has a large amount of property on hand and has many obligations to meet, to pay labor and bills, he cannot sell his product, but must go to jail, and the corporation go into bankruptcy. On the other hand, the consumer, who is interested in purchasing as cheaply as possible will be denied his constitutional



NEW CABLE KEPT BUSY.

Complimentary Messages Between San Francisco and Honolulu.
SAN FRANCISCO, January 3.—The new Pacific cable has been crowded with messages ever since the first flutter came through the wire from Honolulu shortly after 11 o'clock New Year night. The different operators took turns at the San Francisco instrument for nineteen consecutive hours yesterday. When the cable was given over to the contractors last night to test its qualities and instruments no less than 9,000 words had passed between San Francisco and Honolulu. Every word so far sent has been without pay. About 500 congratulatory messages went through, averaging ten words to the message. These were from the public offices of Hawaii and the public bodies of the islands, from the different governors of the coast states, from various chambers of commerce and boards of trade of the Pacific slope, from several large commercial houses and from private individuals at both ends of the wire.

OLD ISSUES GONE.

Perry Heath Can See No Reason for Opposing Republican Policies.
Mr. Perry S. Heath, secretary of the national republican committee, who is at the Raleigh, said to a representative of the Star today: "Not one of the issues of either 1900 or 1902 will, in my opinion, cut any figure in the national campaign of 1904. I come, as you know, from a silver state, Utah, my home. The elections of both 1900 and 1902 eliminated silver as an issue in any sense. Colorado, Utah, Idaho, Montana, all gave large republican majorities last November—majorities for the gold standard. 'Imperialism,' expansion and President Roosevelt's government of the Philippines were mentioned, but the more they were mentioned the greater became the republican victory. Tariff revision is not demanded generally, and the talk of reducing the tariff on trust-made articles, or punishing the trusts by free trade, is regarded wherever I have traveled during the past six months as a fallacy, and is not popular. The democrats first raised this question, raised it for the purpose of creating an issue and dividing the republican party, but they have not succeeded. The democrats are free traders first and last, and protectionists will not take to this position. The republicans do not believe in killing a patient in order to cure it. During the past six weeks I have been asked by at least a score of democratic business men what issue divided the two parties, and I could not inform them. They all said they were for sound money, retention of our new territory, and opposed to free trade as a means of killing the trusts. If we were to begin a national campaign tomorrow I have no idea what the democrats would arrest in attacking the republicans. The Postmaster General of our present policies of progress and prosperity."

COLLIDE AT STREET CROSSING.

Electric and Cable Cars Crash Together in Chicago.
CHICAGO, January 3.—Several persons were injured, some believed fatally, in a collision early today at Milwaukee avenue and Halsted street, between a cable car and an electric car. The cars were crowded, and a panic ensued among the passengers. Ambulances and patrol wagons removed the injured to the hospitals. The known injured: Anthony Tusk; cut about face and leg injured. Otto Schrader; both legs mangled. Frank Eschman; hip fractured and bruised about body. Arthur Bradford; hip dislocated. The slippery condition of the rails caused the accident.

REGRETTED BY THE LORDS.

Increase in Horse Race Betting Among English Workmen.
LONDON, January 3.—The rapid increase in betting on horse racing in the United Kingdom, especially among workmen, and the evils arising therefrom, are fully acknowledged in the report of the select committee of the house of lords issued today, but the remedies recommended are not far-reaching.

GREETINGS FROM HONOLULU.

Postmaster General Payne Hears From Honolulu.
Postmaster General Payne received a cable dispatch from Honolulu this morning announcing the completion of the cable between the Hawaiian territory and the United States. The dispatch was from Postmaster James M. Oates, as follows: "The Postmaster General of the postal service at Honolulu send the compliments of the season to the Postmaster General on the completion of cable communication between Hawaii and the United States. JAMES M. OATES, Postmaster." The Postmaster General sent a suitable reply to the greetings.

New Fourth-Class Postmasters.

There were twenty-nine fourth-class postmasters appointed today, of whom twenty-three were to fill vacancies caused by death and resignation and three to fill vacancies caused by removal at the expiration of their four years' term of service. Of those appointed the following was for Virginia: Robert P. Harris, Jr., Churchillwood, Pulaski county, vice John C. Dillon, resigned.

Porto Rican Postmaster Arrested.

The chief post office inspector has received a dispatch from Porto Rico announcing the arrest of a territory of Rafael Rodriguez on a charge of embezzlement. Rodriguez was postmaster at Coamo, Porto Rico, and it is alleged he stole about \$205 from the mails that passed through his hands. The particulars of the case have not been made known to the department.

THE MEMORIAL STAR.

Copies of the Second Edition Now Ready.
The second edition of 11,000 copies of the Fiftieth Anniversary issue of The Evening Star is now to be had at the business office at the regular price of 2 cents per copy, or mailed for 5 cents to any address in the United States outside of Washington.

The extraordinary demand for the first edition soon exhausted that issue, and in preparing for this supplementary edition new plates were made and the entire issue printed on special paper made for the purpose.

ACTIVITY OF VOLCANOE.

People of Central American Cities Alarmed by Eruptions.
CORINTO, Nicaragua, December 15, via San Francisco, January 3.—The volcano of Sanago, about eight miles from Granada, is shooting out fire and at night illuminates the heavens for many miles. Monotonous, near the seacoast, is belching forth smoke. Isalco, in Salvador, shoots forth smoke and lava every half hour and at night forms a brilliant spectacle as its molten lava runs down the mountain side in a stream of fire.

WILL BE ARBITRATED.

Bolivia and Peru Agree Regarding Settlement of Dispute.
The Bolivian minister has received a cablegram saying that the Bolivian government has signed a treaty for arbitration with the republic of Peru to settle the boundary question. The arbitrator selected is the Argentine government.

ANARCHISTS AFTER SENOR QUIRNO COSTA.

BARCELONA, Spain, January 3.—The police have seized a proclamation issued by Argentine anarchists and aimed at Senor Quirno Costa, vice president of Argentina, who is now in this city. The incentive for the attack on the vice president was the recent expulsion of anarchists from the Argentine Republic.

Liberals Gain a Seat.

LONDON, January 3.—The bye-election at Newmarket yesterday to fill the vacancy in the house of commons caused by the death of Harry Macdonald, resulted in a liberal gain. The polling was as follows: C. D. Rose (liberal), 4,414; L. Brassey (conservative), 3,967.

RAILWAY TRANSPORT ON THE ROCKS.

CHICAGO, January 3.—A Wabash railway transport is on the rocks at Manitou, and is pounding to pieces, says a dispatch from Owosso, Mich. There are twenty-two cars aboard, the loss of which would cost over \$500,000.

"Lucky" Baldwin Has Cancer.

SAN FRANCISCO, January 3.—The statement is printed here that "Lucky" Baldwin is in the city under an assumed name, undergoing treatment for cancer on his mouth and chin. The physician who has charge of the case says the patient soon will be able to return to his home.

Robbers' Plans Frustrated.

EL PASO, Texas, January 3.—News of a bold plan to hold up the Southern Pacific pay car has reached the officials, and the car was ordered tied up at Lordsburg, N. M. A posse was sent there to act as a guard.

Grounded Vessel Declines Aid.

NEW YORK, January 3.—Ship Bottom life saving station, New Jersey, reports a square-rigged vessel ashore there. The life savers tried two lines across the vessel, but her crew cast them both off. The name of the craft has not yet been ascertained.

FIGHT FOR STATEHOOD

Delegate Smith Talks on the
Situation.

A CLEAR MAJORITY

HE CLAIMS OMNIBUS BILL HAS
IN SENATE.

Says the Bill Will Pass or Look Out
for an Extra Session of
Congress.

Mr. Mark A. Smith, delegate in Congress from Arizona, has returned to town from a vacation spent at his old Kentucky home. He comes back chuck full of fight in behalf of the omnibus statehood bill. In the present status of the bill—it is in the Senate—he cannot do much more than stand outside and hold the sponge while he cheers on the fighters, but he is ready and willing to do what he can.

"That omnibus bill will pass Congress, or there will be an extra session," he said to a Star reporter today. "When I say that I do not mean to make threats of obstructing the business of Congress on the part of friends of the bill. They are not the obstructionists in this case; it's the other side that is doing the obstructing."

Has a Clear Majority.

"As the case stands the omnibus statehood bill has a clear majority of six votes in the United States Senate. That is the minimum figure. There are four or five more votes under cover. Now, the friends of statehood ask is that the majority of the United States Senate will be permitted to express itself by vote."

"The friends of the statehood bill are ready to have a vote on that bill after the reading of the journal in the Senate tomorrow, or at any moment or hour thereafter—the sooner the better. The bill has influential friends in the Senate among republicans. In my opinion it will pass. There is some talk of going on with debate on the trust bill. Well, if the Senate wants to talk trusts they will find that Senator Quay can talk too. The interposition of a trust debate is merely obstructionist."

The Opposition.

"The opposition to the bill comes from the coterie of omnipotence in the Senate. The entrance of six more senators, provided for in the bill, means the dilution, perhaps, of the power of the coterie. It means that six more voices will be heard in council and in making committee assignments."

Mr. Smith was asked his opinion of the suggestion to incorporate Arizona and New Mexico as one state. "That proposition is untenable. The state would be an empire in area. The traveling expenses of carrying on the ordinary business of state officials would bankrupt the community. The two states, as an unwholesome business, and we want what the national conventions of both parties have promised us, statehood for Arizona and New Mexico."

"If a policy of obstruction is pursued by the minority of the Senate and this bill is held up, look out for an extra session of Congress."

Senator Quay Ready to Resume.

Senator Quay, the leader of the fight for the statehood bill, who has been recuperating in Florida during the recess, will be on hand when the Senate meets next Monday to resume the fight for his bill. He proposes, it is said, to contest every motion that may be offered to set other business before the bill. He has the right to do so, as an unwholesome business, and can only be displaced by a majority vote of the Senate or by unanimous consent.

Senator Quay, given notice that he proposes to address the Senate on his anti-trust bill next Tuesday.

Army Orders.

The leaves of absence granted Lieut. Col. M. B. Hughes, 10th Cavalry; Second Lieut. William E. Gilmore, 15th Infantry, and Second Lieut. Robert G. Caldwell, 15th Infantry, have been extended one month in each case on account of sickness.

A board of survey, consisting of Major Charles Byrne, 30th Infantry, and Capt. Henry D. Borup, ordnance department, and Capt. C. F. Kieffer, assistant surgeon, has been ordered to assemble at the quartermaster's depot, Philadelphia, to ascertain and fix the responsibility for any deficiencies or damage to the quartermaster's property received that day during the calendar year beginning January 1, 1903.

The Navy Department is informed that the torpedo boat Worden has been wrecked in commission at the navy yard, Norfolk.

Naval Orders.

Capt. A. B. H. Lillie has been ordered to the navy yard, League Island, Pa. Paymaster W. B. Wilcox, from the Newark to the Alabama. Chief Boatswain J. J. Kilkin, from recruiting to the navy yard, Portsmouth, N. H. Paymaster C. S. Williams, from the Alabama to the Newark.

Personal Mention.

Mr. H. F. Robinson and Mr. John Hill Morgan of New York are at the Arlington. Mr. W. S. Harvey of Philadelphia and Mr. J. F. Nolan of Albany, N. Y., are at the New Willard. Mr. R. A. Carter of Pittsburgh and Mr. Boyle Olinoff of Paris are at the Raleigh. Mr. L. Albert Samstag and Mr. Walter Lewisohn of New York are at the Raleigh. Mr. Roscoe Walsworth of Arizona is visiting Washington.

Mr. Edward J. Graham of Albany, N. Y., is at the Raleigh. Mr. Frank LeBlanc of 813 21st street, northwest has returned from New York and will reside permanently in this city.

National Bank Circulation.

The monthly circulation statement issued by the controller of the currency shows that at the close of the calendar year the total circulation of national bank notes was \$384,929,784, an increase for the year of \$24,640,058, and an increase for the month of \$1,027,453. The circulation secured by lawful money amounted to \$42,801,940, an increase for the year of \$7,821,320, and a decrease for the month of \$352,783. The amount of United States registered bonds deposited to secure circulating notes was \$344,225,120, and to secure public deposits \$133,284,070.

Yellow Jack on British Ship.

PORT TOWNSEND, Wash., January 3.—The British ship Comblanch, which has arrived here from Panama, reports the death of six members of the crew from yellow fever during the voyage. The vessel is in quarantine at Diamond Point.

Steamship Arrivals.

NEW YORK, January 3.—Theobald Chartran, the French painter, arrived here today on La Lorraine from Havre.

AT THE WHITE HOUSE

Five Hundred Scientists Received by the President.

BEET SUGAR SITUATION

HENRY T. OXNARD HAS A CONFERENCE TODAY.

Perry Heath Pleased at Republican Prospects in West—Other of Today's Callers.

President and Mrs. Roosevelt went for a horseback ride today, and the meeting visited the White House after 10:30 o'clock were informed that the President would not again be in the office during the day. Shortly after 10 o'clock the President received about 500 members of the American Association for the Advancement of Science, which has been in session in this city. The reception was by card. The scientists were placed in the state dining room, and the President stood just inside the rear room, the line passing him there. The east room was closed on account of some work, and that is why the reception was not held there.

Mr. von Holleben, the German ambassador, called on the President early this morning and presented the new naval attaché of the German legation, Commander Schaefer.

Assistant Secretary Brigham of the Department of Agriculture presented the members of the executive committee of the National Grange. The committee consists of Aaron Jones, master of the National Grange; C. J. Bell of Vermont; E. B. Norris, master of the New York Grange; Capt. W. W. Miller, secretary of the state board of agriculture of Ohio, and F. A. Dertlich, master of the Ohio State Grange. The committee was called to meet in Washington by the death of John Trimble, for many years secretary of the National Grange. His burial in New York City today and the committee came here to attend that and to take charge of the business of the office.

The Beet Sugar Situation.

Henry T. Oxnard, the head of the beet sugar trust, had a conference with the President early this morning. Mr. Oxnard will probably remain here until the meeting in this city next week of the beet sugar interests of the country. It is stated that while the beet sugar men believe it would be unfair to them to cut the duty on Cuban sugar 25 per cent they will not oppose radical reduction of the Cuban tariff for the reason that their business is being hurt more by continued agitation of the question of lower duties than it will be if the duty is cut. This question settled at this session of Congress one way or another, so that capital may know what to do with its investment in beet sugar enterprises.

It is said among beet sugar men that comparatively little capital has been invested in the beet sugar industry since the beginning of the Cuban tariff reduction or reciprocity agitation, and that capital will continue to be timid in this direction until the matter is settled permanently, which it is hoped will be done soon.

Henry S. Foote, judge of the citizenship court of the United States, called on the President this morning to pay his respects.

A Mormon Will Be Speaker.

Perry Heath, former assistant postmaster general, called at the White House today. His connection with one of the largest newspapers in Salt Lake has placed him back in newspaper work in a way to allow him to get some satisfaction out of life.

Repeating the fact that the selection of a senator from Utah to succeed Senator Rawlins, democrat, Mr. Heath said: "The republicans have the legislature by an overwhelming majority, and they will elect a senator here. The Mormon faith is largely represented in the legislature, and it is well understood in Utah that a senator from that state will be elected. He will be an apostle of the Mormon Church, is one of the most prominent candidates, and the opinion of many of the legislators is that he will be elected to fill the vacancy." Mr. Heath is pleased with general republican prospects throughout the west, and regards the outlook for the party as the best.

With the reassembling of Congress the President's brief holiday respite will be ended, and from Monday on he will follow the daily routine of seeing and talking with members of Congress about legislation, appointments, personal and political matters. Soon after Congress adjourns in March the President will begin to complete his plans for a long trip through the west, extending as far as the eye can see, and he will be away from Washington probably two months.

PROPOSED CHANGES.

National Metropolitan Bank Building to Be Improved.

It has been decided by the directors of the National Metropolitan Bank to make temporary changes, and will be undertaken mainly because it was found that it would be impossible to erect a new building on this site within a reasonable time. An order for a steel vault could not be filled for two years, and in other directions it was discovered that in the erection of the new building the work could not be carried on with the requisite promptness.

The Southern railway denies the jurisdiction of the commission, on the ground that the matters complained of relate solely to commerce within the boundaries of Tennessee.

The defendant denies that there has been any undue or unreasonable preference or discrimination as to persons or localities, and says it could not comply with the demands of the complainant, who is not a coal shipper, without unjust discrimination.

Discrimination Charges Denied.

The Southern railway has filed with the interstate commerce commission an answer denying the allegations of discrimination made in the complaint of R. W. Austin of Knoxville, Tenn., who charged that his "Live and Let Live Company," founded to furnish coal cheaply to the poor, was being discriminated against in the furnishing of carrying facilities.

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